

Adopted	Rejected
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## COMMITTEE REPORT

YES:	13
NO:	0

### MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred House Bill 1415, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.1-2002,
- 4       SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 2003]: Sec. 6. (a) This article does not apply to the
- 6       formulation, issuance, or administrative review (but does, except as
- 7       provided in subsection (b), apply to the judicial review and civil
- 8       enforcement) of any of the following:
- 9       (1) Determinations by the division of family and children, **except**
- 10       **a determination under IC 12-17.2-7-3.**
- 11       (2) Determinations by the alcohol and tobacco commission.
- 12       (3) Determinations by the office of Medicaid policy and planning
- 13       concerning recipients and applicants of Medicaid. However, this
- 14       article does apply to determinations by the office of Medicaid

1 policy and planning concerning providers.

2 (4) A final determination of the Indiana board of tax review.

3 (b) IC 4-21.5-5-12 and IC 4-21.5-5-14 do not apply to judicial  
4 review of a final determination of the Indiana board of tax review.".

5 Page 1, delete lines 16 through 17, begin a new paragraph and  
6 insert:

7 "SECTION 3. IC 12-17.2-2-1 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The division shall  
9 perform the following duties:

10 (1) Administer the licensing and monitoring of child care centers  
11 or child care homes in accordance with this article.

12 (2) Ensure that a criminal history background check of the  
13 applicant is completed before issuing a license.

14 (3) Ensure that a criminal history background check of a child  
15 care ministry applicant for registration is completed before  
16 registering the child care ministry.

17 (4) Provide for the issuance, denial, suspension, and revocation of  
18 licenses.

19 (5) Cooperate with governing bodies of child care centers and  
20 child care homes and their staffs to improve standards of child  
21 care.

22 (6) Prepare at least biannually a directory of licensees with a  
23 description of the program capacity and type of children served  
24 that will be distributed to the legislature, licensees, and other  
25 interested parties as a public document.

26 (7) Deposit all license application fees **and registration fees**  
27 collected under section 2 of this chapter in the child care fund.

28 (8) Require each child care center or child care home to record  
29 proof of a child's date of birth before accepting the child. A child's  
30 date of birth may be proven by the child's original birth certificate  
31 or other reliable proof of the child's date of birth, including a duly  
32 attested transcript of a birth certificate.

33 SECTION 4. IC 12-17.2-2-2, AS AMENDED BY P.L.215-2001,  
34 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2003]: Sec. 2. The division may do the following:

36 (1) Prescribe forms for reports, statements, notices, and other  
37 documents required by this article or by the rules adopted under  
38 this article.

(2) Increase public awareness of this article and the rules adopted under this article by preparing and publishing manuals and guides explaining this article and the rules adopted under this article.

(3) Facilitate compliance with and enforcement of this article through the publication of materials under subdivision (2).

(4) Prepare reports and studies to advance the purpose of this article.

(5) Seek the advice and recommendations of state agencies whose information and knowledge would be of assistance in writing, revising, or monitoring rules developed under this article. These agencies, including the office of the attorney general, state department of health, division of mental health and addiction, bureau of criminal identification and investigation, and fire prevention and building safety commission, shall upon request supply necessary information to the division.

(6) Make the directory of licensees available to the public for a charge not to exceed the cost of reproducing the directory.

(7) Charge a reasonable processing fee for each license application and renewal as follows:

(A) For a child care center license, a fee of two dollars (\$2) per licensed child capacity.

(B) For a child care center new inquiry application packet, a fee not to exceed five dollars (\$5).

(C) For a child care home license new inquiry application packet, a fee not to exceed five dollars (\$5).

(D) For a child care home annual inspection, a fee not to exceed twenty-five dollars (\$25).

**(8) Charge a processing fee not to exceed five dollars (\$5) for registration of a preschool under IC 12-17.2-7.**

**(9) Exercise any other regulatory and administrative powers necessary to carry out the functions of the division."**

Page 2, delete lines 1 through 40.

Page 4, line 27, delete "may not operate unless the preschool has:" and insert **"shall, on a form approved by the division, register with the division not more than thirty (30) days after the preschool opens for business.**

**Sec. 3. If the division, after a hearing conducted under IC 4-21.5-3, determines that a preschool has knowingly failed to**

1       register as required under this chapter, the division shall assess  
2       against the preschool a civil penalty of one hundred dollars (\$100).

3       **Sec. 4. Penalties assessed under section 3 of this chapter shall be**  
4       **deposited in the child care fund established under IC 12-17.2-2-3.**

5       **Sec. 5. The division shall adopt rules under IC 4-22-2 to**  
6       **implement this chapter.**

7       SECTION 7. [EFFECTIVE JULY 1, 2003] Notwithstanding  
8       IC 12-17.2-7-2, as added by this act, a preschool in existence on  
9       June 30, 2003, shall register with the division not later than  
10      January 1, 2004."

11      Page 4, delete lines 28 through 42.

12      Delete pages 5 through 6.

13      Renumber all SECTIONS consecutively.

(Reference is to HB 1415 as introduced.)

**and when so amended that said bill do pass.**

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Representative Summers